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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/715,430 | 11/19/2003 | Michael K. McInerney | COE-566 | 5350 |
| 30046 7590 03/22/2007 HUMPHREYS ENGINEER CENTER SUPPORT ACTIVITY ATTN: CEHEC-OC 7701 TELEGRAPH ROAD ALEXANDRIA, VA 22315-3860 | | | EXAMINER SPAHN, GAY | |
| | | | ART UNIT 3635 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 30 DAYS | | 03/22/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/715,430

Applicant(s)

MCINERNEY ET AL.

Examiner

Art Unit

Gay Ann Spahn

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 07 December 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Robert Canfield

Primary Examiner

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: With respect to box 4C above, the examiner notes that Applicants' status identifier for claims 2, 6, 7, 9, and 10 is "Previously Amended" which is not one of the eight status identifiers listed in 37 CFR 1.121(c) and (c)(2) and should be changed to --Previously presented--. Additionally, the status identifier for claim 4 is "Previously Canceled" which is not one of the eight status identifiers listed in 37 CFR 1.121(c) and (c)(2) and should be changed to --Canceled--. Claims 10, 11, and 13-35 have the status identifier of "Previously Withdrawn" which is not one of the eight status identifiers listed in 37 CFR 1.121(c) and (c)(2) and should be changed to --Withdrawn--. Finally, the examiner notes that claims 13, 28, 29, and 33 were improperly amended in the "Amendment Under 35 USC 111" filed on 12 January 2006 because they did not have the proper status identifier of "Withdrawn - currently amended" and that since then the underlining under the zero of "80" and the strikethrough of the "s" in "mils" has never been taken out in claim 13, the underlining under the zero of "40" and the strikethrough of the "s" in "mils" has never been taken out in claim 28, the underlining under the zero of "10" and "30" and the strikethrough of the "s" in "mils" has never been taken out in claim 29, and the underlining under the zero of "10" and "30" and the strikethrough of the "s" in "mils" has never been taken out in claim 33. Also, the strikethrough of the "s" in "mils" has never been taken out in claim 12. The examiner suggests that in order to clarify the record in the application, Applicants reamend claims 13, 28, 29, and 33 with the proper status identifier of --Withdrawn - currently amended-- and make the changes to the numbers and units by striking-through an entire word or number and reinserting the correct word or number with underlining rather than try to strike-through a single letter or number which could lead to confusion at the time of printing should this application go to issue.

GAS
Gay Ann Spahn, Patent Examiner
March 10, 2007